

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RUWANI RANATUNGA D/B/A ACORN MONTESSORI AND DAYCARE, SP 2014-PR-093 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8456 Van Ct., Annandale, 22003 on approx. 9,760 sq. ft. of land zoned R-3 (Cluster). Providence District. Tax Map 59-1 ((27)) 119. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 3, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
3. With the imposition of the development conditions as modified, any potential impacts have been satisfactorily mitigated.
4. Some of the issues on the plat have been straightened out, and with staff's explanation, the concrete walk is a permitted extension into the side yard as would be the gravel parking area. It would be different if it was a patio or deck, but at least what is there is okay, subject to getting the deck final inspection.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Ruwani Ranatunga, d.b.a. Acorn Montessori and Daycare, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 8456 Van Court, and is not transferable to other land.

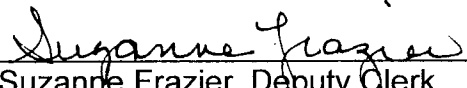
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Van Court, Plat Showing House Location on Lot 119, Section Two" prepared by Dominion Surveyors, Inc. on September 6, 2013, as revised by the applicant, Ruwani Ranatunga, through March 14, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. All pick-up and drop-off of children shall take place in the driveway.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.
9. There shall be no signage associated with the home child care facility.
10. The applicant shall only utilize areas with acceptable emergency egress as napping rooms in the home child care facility.
11. Approval of this use is contingent upon maintenance of a state license for the home child care for up to 12 children.
12. Until the deck passes state building code inspection, neither the deck nor the area beneath it shall be used for the home child care, including but not limited to use as a play area or access to the rear yard. The applicant shall obtain final inspection and approval of the deck within 180 days.
13. The applicant shall be limited to a maximum of two non-resident assistants on site at any one time.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals